

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5540 OF 2005

Girish G. Valvi ... Petitioner

Versus

The Union of India and Ors. ... Respondents

Mr. A.P. Mishra for Petitioner.

**CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD, JJ.**

DATED : JANUARY 10, 2006

P.C.

. This petition is directed against the order dated 20.2.2005. The Petitioner was appointed as Announcer Grade IV (Marathi) at Ratnagiri against the S.C. category and for the period of two years. The appointment was purely temporary. The Petitioner was not confirmed as Announcer Grade IV (Marathi). A vacancy arose for Announcer Grade IV (Hindi) at Mumbai. The Petitioner applied and was selected. On his selection he was appointed to the post of Announcer Grade IV Hindi. His services thereafter came to be terminated under C.C.S. Rules, 1965 on 21.2.2000. Against that termination

the Petitioner preferred Original Application.

. One of the contentions urged on behalf of the Respondent before the C.A.T. was that the O.A. was barred by limitation. C.A.T. also considered the merits of the matter. Having considered the issue, we do not proceed on the footing that the O.A. was barred by limitation but consider the matter purely on merits. The impugned order would disclose that the C.A.T. has considered the appointment of the Petitioner at Ratnagiri was purely on a temporary basis and as such the Petitioner could not be said to be a person confirmed in the post at Ratnagiri. Even otherwise, a fresh appointment was issued to the Petitioner as Announcer Grade IV (Hindi) at Mumbai against which post the Petitioner was appointed on temporary basis. It is in this post that the service of the Petitioner came to be terminated.

. From the impugned order it can be seen that the only contention urged on behalf of the Petitioner was that as he has completed two years at Ratnagiri he became permanent employee and as such his

service cannot be terminated. That point has been answered by C.A.T. by holding that the appointment of the Petitioner was purely temporary and that he was not confirmed. We find no error in the said order. Apart from that once the Petitioner was appointed purely on temporary basis, his service could have been terminated by following due procedure. That has been followed. Petitioner has not alleged arbitrariness or mala fide before the tribunal. This will therefore, not be a fit case for this court to exercise its extra ordinary jurisdiction. Hence, Petition rejected.

(F.I. REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)